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09/873,845	06/04/2001	Wing Leung	CHU/176/US	4843
2543	7590	05/03/2004	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 9

Application Number: 09/873,845
Filing Date: June 04, 2001
Appellant(s): LEUNG, WING

WING LEUNG
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 10/14/2003.

(1) Real Party in Interest

Art Unit: 2875

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is incorrect.

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The appeal brief states that "Whether claims 1, 2, 3 and 4 are patentable under 35 U.S.C. 103(a) over United States Patent 3,303,582 to Farquhar". However, only claims 1, 2 and 4 were rejected under 35 U.S.C. 103(a) solely by the reference to Farquhar. The statement (2) in the appeal brief regarding claim 3 is correct.

(7) *Grouping of Claims*

The rejection of claims 1- 4 stand or fall together because appellant's brief does not explain why the claims of the second group (claim 3) are believed to be separately patentable. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

3,303,582	Farquhar	2-1967
6,039,453	Wang	3-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar.

This rejection is set forth in prior Office Action, Paper No. 9.

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Referring to Claim 1 Farquhar discloses (Fig.9) a decorative globe having an outer translucent cover [20] forming an enclosure for an inner globe [100] carrying an image on its surface. The inner globe may be rotated by a knurled ring (col.5, lines 4-17). There is a light bulb [60] within the inner globe.

For this embodiment Farquhar disclose the instant claimed invention except for an electric motor coupled to rotate the mounting such the image is projected onto an inner surface of the outer cover and is visible from outside the outer cover.

For the embodiment shown in Fig.11 Farquhar discloses (col.5, lines 71-75 and col.6, lines 1-14) that the movement of each of the spheres may be driven by an electric motor such the image is projected onto an inner surface of the outer cover and is visible from outside the outer cover. (col.6, lines 30-35).

While the embodiment shows a manual rotation of the globe it will of course be understood that using electrical motor for rotation of globe simplify this process for the user.

Referring to Claim 2 Farquhar discloses (Fig.9) that the outer cover [20] and inner globe [100] are spherical.

Referring to Claim 4 Farquhar discloses (Fig.9) that the image is a map of the world.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the electric motor as taught by Farquhar for rotation of the inner globe in order to mechanize the process of rotation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar in view of Wang. This rejections are set forth in prior Office Action, Paper No. 9.

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Farquhar disclose the instant claimed invention except for the outer cover has an aperture in its base.

Wang discloses (Fig.7) decorative globe wherein the outer cover [3] has the aperture in its base through which the inner globe may pass during assembly.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the outer cover of the device of Farquhar with the aperture in its base, as taught by Wang in order to let the inner globe pass through during assembly.

(11) *Response to Argument*

The appellants argue that the examiner failed to establish a prima facie case of obviousness against claim 1, by alleging that: (1.) the reference to Farquhar does not teach or suggest the features asserted by the examiner, (2.) the Farquhar reference does not provide the legally required reasonable expectation of success required to establish a prima facie obviousness rejection, (3) the examiner's summary statements declaring appellant's invention obvious are legally insufficient to establish a prima facie obviousness rejection.

A). The appellants argue that Farquhar does not teach or suggest, at least an image that is projected onto an inner surface of an outer cover and is visible from outside the outer cover. In particular appellant state that Farquhar teaches projecting an image created from passing light through an inner globe and outer globe. Column 6, lines 22-29 of Fraquhar recites "The planet apparatus may also be used to project shadows of the planets when the bulb 60 is illuminated. The student thereby sees the position of planets relative to the projected stars,

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constellations, etc.” This suggests to the examiner that an image is projected onto an inner surface of the outer cover otherwise the planets would not be visible.

B). The examiner also directs attention to passages from Farquhar which supports appellant’s claimed physical structures and intended function. As shown on Fig.9 of Farquhar, the device includes an inner globe (“Earth globe 100”, col.4, lines 66-67) mounted within an outer cover (“star globe 20”, col.4, line 64), and an electric light bulb (“projection lamp 60” or “light 60”; col.2, lines 67-68, col.5, line 12) located inside the inner globe (100), which meets the claimed structure in at least claim 1, except the electric motor. As for meeting the functional phrase “image is projected onto an inner surface of an outer cover and is visible from outside the outer”, Farquhar shows by reciting that “Light 60 ... projects the outline of the Earth’s continents and stars on the viewing surface” in col.5, lines 12-17.

C). Further column 3, lines 13-30 of Farquhar discuss an embodiment with a viewing dome [8] where printed information is placed on the inside surface of the globe so that when projected onto the viewing dome, the words are legible. This would appear to be precisely what appellants are arguing, although this particular embodiment was not expressively used for the rejection, it suggests to the examiner how the embodiment of Figure 9 would operate, i.e. the viewing globe 8 becomes the outer globe [20] in Figure 9.

(12) Conclusion

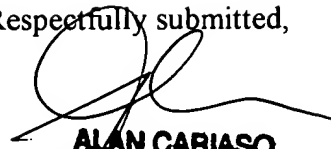
For all the foregoing reasons, it is respectfully submitted that the rejection under 35 U.S.C. 103 is proper and should accordingly be sustained.

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Mark Tsidulko

March 31, 2004

Respectfully submitted,



ALAN CARIASO
PRIMARY EXAMINER

Conferees:

Alan Cariaso

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